

HOUSE No. 4922

Section 321 contained in the engrossed Bill making appropriations for the fiscal year 2005 (see House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment W of House, No. 4901). June 28, 2004.

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The Commonwealth of Massachusetts

In the Year Two Thousand Four

An Act relative to the home and community-based service waiver.

***Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to expand forthwith the home and community based service waiver, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the executive office of elder affairs, in collaboration with the executive office of health and human services, shall by December 1, 2004 apply for an expansion of the section 2176 home and community based waiver. This application shall seek to expand the income eligibility of the section 2176 waiver to up to 300 per cent of the federal benefit rate under the supplemental security program.

This expansion shall seek to maximize federal financial participation for expenditures authorized in item 9110-1500. Benefits under the section 2176 waiver shall be available to individuals up to the maximum income level provided in the approved waiver; provided, that the asset test in the waiver program shall be not less than \$20,000. The executive office of elder affairs shall first enroll members currently receiving benefits through the enhanced community options program into placements made available as a result of the expanded waiver and shall offer members under the waiver a choice of receiving benefits in their home, community based setting or nursing home, whichever is the least restrictive once said waiver is granted and implemented. The executive office of elder affairs shall submit a report to the house and senate committees on ways and means and the secretary of administration and finance by March 1, 2005 on the status of the waiver application. The report shall detail, at a minimum, the progress of the waiver application, and if applicable, the number of individuals enrolled under this waiver for each month since the waiver was obtained, the number of individuals remaining in the enhanced community options program, and the amount of federal financial participation received or anticipated to be received as a result of approval of the waiver. Said expansion shall be at no net cost to the state.

SECTION 2. This act shall take effect as of July 1, 2004.